

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-18973 of 2016

Date of Decision: May 28, 2016

Islam

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr.Amit Kohar, Advocate
for the petitioner.

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M.M.S. BEDI, J. (ORAL)

Petitioner seeks the concession of pre-arrest bail in a case registered at the instance of Abdul Mazid alleging that his sister Sajida was earlier married to Mansab about 11 years back but after getting divorce from him she solemnized marriage with Noor Hassan. She had also allegedly developed relations with the petitioner.

The allegation against the petitioner is that he along with Noor Hassan had strangled Sajida. Petitioner was arraigned as an accused in the murder of Sajida on the basis of statement made by Noor Hassan in police custody regarding involvement of the petitioner in the murder of

Sajida. It appears that challan was presented against Noor Hassan. The complainant while appearing as a witness turned hostile. The petitioner who had not been arrested by the time challan was presented, has now sought concession of pre-arrest bail, apprehending arrest.

Counsel for the petitioner has submitted that since the co-accused of the petitioner has been granted the concession of regular bail, the petitioner on the principle of parity, may be granted the relief of pre-arrest bail.

I have heard learned counsel for the petitioner and gone through the allegations and the nature of the evidence available against the petitioner. The petitioner has been able to avoid the arrest for more than 1 ½ years after the occurrence and has opted to seek the concession of pre-arrest bail when the coercive methods to secure his presence by proclamation have been issued. The appreciation of evidence and the nature of the material gathered against the petitioner will not be appropriate for this Court by entering into the niceties of the trial. The plea that the co-accused has been granted concession of bail and that the complainant has turned hostile may constitute circumstances for seeking the concession of regular bail but I do not find any extraordinary exceptional circumstance to grant the concession of pre-arrest bail.

Petition is dismissed without prejudice to the rights of the petitioner to seek concession of regular bail by surrendering before the Illaqa Magistrate or the investigating officer. It will be appreciated in case the

Court concerned decides the application of the petitioner for regular bail expeditiously preferably within a period of one week in case he opts to surrender within a period of 15 days.

May 28, 2016
sanjay

(M.M.S.BEDI)
JUDGE